

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS M. KELLEY,
Plaintiff,

v.

Civil Action No. 05-10596-NMG

TOWN OF PLYMOUTH, et al
Defendants.

**SECOND ASSENTED TO MOTION TO EXTEND TIME
GENERALLY TO RESPOND TO OFFICE OF THE INSPECTOR GENERAL'S
MOTION TO QUASH SUBPOENAS FOR DOCUMENTS AND
TESTIMONY, OR IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER**

The Plaintiff, Thomas M. Kelley, respectfully moves this Court to enlarge the time to respond to the Office of the Inspector General's Motion to Quash Subpoenas for Documents and Testimony or, in the Alternative, for a Protective Order. The Plaintiff requests that this Court continue generally, the time to respond to the Office of the Inspector General's Motion.

As grounds for his motion, the Plaintiff states as follows:

1. Plaintiff's counsel and co-counsel need additional time in order to meet and draft their opposition to said Motion to Quash and have not been able to do so as a result of their court schedules. Co-counsel, Attorney Armstrong returned from a trip out of the country early as he was quite sick and had to go into the hospital. He is out of the hospital and recuperating. Attorney Armstrong has not yet reviewed the Motion to Quash and it is necessary for Plaintiff's counsel and co-counsel to meet to prepare their response.

2. In addition, the Plaintiff is attempting to obtain the information he would receive by deposing Quinn and O'Neil of the Inspector General's Office from another

source making it unnecessary to go forward with their depositions. The Plaintiff has issued a notice to depose former Town Manager, Eleanor Beth whom, Plaintiff believes can furnish the same information he seeks from the Inspector General's office.

Therefore, the Plaintiff requests a continuance generally until after the deposition of Eleanor Beth.

3. On October 25, 2006, Attorney Joseph Gallitano telephoned counsel for the Office of the Inspector General, Attorney Christine Baily, requesting her assent to this Motion. Attorney Baily has assented to this Motion.

For the foregoing reasons the Plaintiff respectfully requests that the Court allow this Motion to enlarge the time to respond to the Office of the Inspector General's Motion to Quash Subpoenas for Documents and Testimony or, in the Alternative, for a Protective Order, generally until after the deposition of Eleanor Beth.

Respectfully submitted,

Thomas M. Kelley, Plaintiff,
by his attorneys,

/s/ Joseph R. Gallitano
Joseph R. Gallitano, Esq.
BBO # 183700
34 Main Street Ext., Suite 202
Plymouth MA 02360
(508) 746-1500

/s/ Richard D. Armstrong
Richard D. Armstrong, Jr., PC
BBO # 021580
1400 Hancock Street
3rd Floor
Quincy, MA 02169
(617) 471-4400

Dated: October 27, 2006

Assented to:

/s/ Christine A. Baily

Christine A. Baily, BBO #643759

Assistant Attorney General

Government Bureau

One Ashburton Place, Room 2019

Boston, MA 02108

(617) 727-2200, Ext. 2617